IN THE DRAWINGS:

Fig. 2 has been amended to overcome the objections of the Examiner and to replace handwritten legends with typed legends.

For consistency, Fig. 1 has been amended to replace handwritten legends with typed legends.

If the Examiner approves these corrections, a new set of formal drawings will be submitted.

REMARKS

This Amendment is in response to the Examiner's non-final Office Action of March 23, 2006. The Examiner's comments in that Office Action have been carefully considered.

The Examiner has objected to the claims indicating that "Method for" should be replaced with "A method for" and "Method as" should be replaced with "A method as". This has been done throughout.

The Examiner has objected to Fig. 2 because it "shows a plurality of text blocks without step/process priority indication." Attached to this Amendment is a proposed replacement sheet for Fig. 2, with arrowed lines added to show that the blocks are arranged in sequential order, and with handwritten legends replaced with typed legends. The handwritten legends at the top of Fig. 1 have also been replaced with typed legends. If the Examiner approves these two Replacement Drawing Sheets, a complete new set of formal drawings will be submitted.

On pages 3-5 the Examiner has objected to various claims under 35 U.S.C.§112 as failing to particularly point out and distinct claim the subject matter of the invention. Applicants have carefully reviewed each of these rejections and have amended the claims to overcome them. Additionally, other comparable corrections have been made to instances that were perhaps not covered but were believed might cause some indefiniteness in the claims. In light of these amendments, the Examiner is requested to reconsider and withdraw these rejections.

The Examiner states that claims 1-23 and 36 are rejected under 35 U.S.C. 103 as being unpatentable over U.S. Patent No. 6,868,391 to Hulgren. As claims 3-19 have been canceled, it is not completely clear which claims are here rejected. However, applicants will take the

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rejection as applying to pending claims 1, 2 and 20-36 and respond appropriately, since the Examiner's specific rejections on pages 5-15 address the pending and noncanceled claims.

Of the currently pending claims, claim 1 is one independent claim. All other original claims depend directly or indirectly on claim 1. Claim 1 has been rejected as being obvious and therefore unpatentable on the basis of U.S. Patent No. 6,868,391 to Hultgren, for reasons set forth in paragraph 4 on pages 5 and 6 of the Action. The Examiner has essentially taken the position that Hultgren teaches all of the elements of original claim 1, only failing to disclose HBCI data transmission implementation. Yet the Examiner believes that it would have been an obvious matter of choice to use HBCI, since it is a "common standardized bank system used in the European Market." The Examiner has reasoned that it would have been obvious, to one of ordinary skill in the art at the time the invention was made, to insert HBCI into the Hultgren method in order to "gain in popularity, compatibility, and support." In light of the amendments made herein, and for reasons more specifically discussed below, the rejection of claim 1 is respectfully traversed, and reconsideration and withdrawal of the rejection by the Examiner is respectfully requested.

It must initially be noted that claim 1 has been amended to incorporate the subject matter of claim 2, which has been canceled without prejudice. Original claim 2 required splitting customer-end HBCI system into two components, a SIM card on the mobile station and the HBCI gateway.

Hultgren discloses a tele/data-communications payment method and apparatus that is intended to allow payments or transfers from a customer account of a customer financial institution or bank to a merchant account of a merchant financial institution when making purchases. However, the patent seems to be mostly limited to obtaining transaction verification

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requests from a customer mobile station and, upon receipt of such verification, to the TSN30's request for the transfer from the customer account to the merchant account.

Thus, while Hultgren discloses some of the limitations of claim 1, it does not expressly disclose the limitation of using HBCI data transmission implementation, as the Examiner has conceded. The Examiner argues that HBCI is a common standardized bank software system and that it would have been obvious to one skilled in the art to incorporate HBCI data transmission into the method of Hultgren. Applicants respectfully disagree.

The HBCI standard is a common bank software in the European Market. However, the HBCI protocol that was conceived for the Internet is too extensive in terms of data transmission bandwidth, storage capacity and computing power for a direct projection onto the GSM mobile telephone world. The requisite incentive or motivation to make the combination proposed by the Examiner did not exist, therefore, at that time.

Thus, it was not obvious at the time the invention was made to modify the method of Hultgren by incorporating HBCI data transmission. As noted, the method of Hultgren is primarily a payment system between customer and merchant; the HBCI standard, in contrast, allows the customer not only to make payments but also to use a plurality of banking services and activities. Furthermore, it was not obvious to modify the method of Hultgren so as to implement an HBCI method because this would involve the splitting of the customer end HBCI system into two components, the SIM card of the mobile station and an HBCI Gateway, as disclosed in original claim 2, now recited in both independent claims 1 and 37.

As to claim 21, Hultgren fails to teach the limitations of this claim because this patent discloses no unpacking and/or converting of the HBCI protocol to ensure compatibility with the GSM system.

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Hultgren also fails to teach the use of two security protocols disclosed in the subject application's claim 24: the first one between the bank and the HBCI gateway and the second between the HBCI gateway and the SIM card. The HBCI Interface Specification also does not teach or disclose the use of two different security protocols. HBCI uses only one security protocol – an encryption process – between the bank and the customer (see III.1.3, line 12).

With regard to claim 25, neither Hultgren nor the HBCI Interface Specification teaches or even suggests the limitations of this claim, i.e., the use of a "reduced" security protocol between the HBCI Interface and the SIM card. As to claim 27, neither Hultgren nor the HBCI Interface Specification teach or suggest the limitations of this claim, i.e., that the key (Ksms) is generated in the SIM by entering an initialization PIN.

With the exception of claim 37, which distinguishes from the prior art in teaching the splitting of the customer end HBCI system into two components, the SIM card of the mobile station and an HBCI Gateway, all the remaining claims depend directly or indirectly on allowable claim 1 and should be allowed with the allowance thereof.
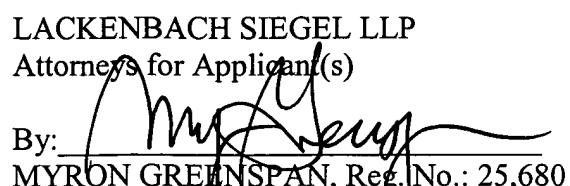
It is believed that this application, as amended herein, overcomes the objections and rejections of the Examiner, and that these should be reconsidered and withdrawn. The application is believed to be in condition for allowance. Early allowance and issuance is, accordingly, respectfully solicited.

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Respectfully submitted,

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